

REMARKS

With entry of this amendment, claims 1-6 are pending in the application. Previously pending claims 1-19 have been rejected. Claims 7-19 are cancelled. The Applicants request allowance of the currently pending claims in light of the remarks below.

REJECTIONS UNDER 35 U.S.C. § 112, ¶ 2

Without acknowledging the propriety of the rejection, applicant suggests that as claims 7-19 have been cancelled, the rejection of the claims under 35 U.S.C. § 112, paragraph 2 has been rendered moot.

CLAIM OBJECTIONS

Without acknowledging the propriety of the rejection, applicant suggests that as claims 7-19 have been cancelled, the objections to the claims have been rendered moot.

REJECTIONS UNDER 35 USC § 103

Claims 1-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0162586 to Covey et al. in view of Patent Publication No. 2004/0049233 to Edwards.

The Applicants respectfully traverse the rejections of claims 1-6 because the combination of cited references does not teach or suggest every limitation of the claims.

The Applicants also note that each of the references is assigned to the assignee of the current application. Hence, the inventors and assignee were aware of the Covey and Edwards references at the time of the invention, as well as the differences between them and the invention.

Claim 1 is directed to a patient parameter monitoring pod that comprises:
a portable housing containing a power supply;
a patient parameter module connectable to a patient via lead cables to collect patient data, the patient data including at least one vital sign;
a transceiver adapted to wirelessly transmit the patient data to a defibrillator; and
a data port adapted to supply the patient data via a direct electrical connection to the defibrillator.

In particular, the patient parameter monitoring pod includes a patient parameter module connectable to a patient via lead cables to collect patient data, the patient data including at least

one vital sign, and a transceiver adapted to wirelessly transmit the patient data to a defibrillator.

In contrast neither Covey nor Edwards teach or suggest these claimed elements. In the Office Action it is suggested that Covey teaches a patient parameter module by disclosing a pair of electrodes (30). However, these electrodes are not "connectable to a patient via lead cables." Rather, the electrodes themselves are structured to be affixed to a patient via their conductor pads (34) while the leads (32) are used to connect the electrodes (30) to the defibrillator (10). If the Office Actions suggestion was taken literally, it would read that the electrodes (30) (which are already connectable to the patient) are also somehow also connectable to the patient via the leads (32). This is not a reasonable interpretation of the patent parameter module and does not comport with the actual teaching of Covey.

In addition, neither Covey nor Edwards teach a transceiver adapted to wirelessly transmit the patient data to a defibrillator. The Office Action points to paragraphs 42 and 43 of Covey to teach the transmitter element. However, these paragraphs merely disclose that defibrillator runs a self-diagnostic test to interrogate the electrode identification tags. In fact, identifying the electrode identification tags in electrodes is the main concept disclosed in Covey. However, in Covey it is the defibrillator that includes the transmitter which is used to identify the RFID tags on the electrodes. More to the point, the RFID tags identified by the transmission from the defibrillator respond only with "electrode identification information corresponding to the electrodes." That is, there is no teaching or suggestion that Covey teaches a transceiver adapted to wirelessly transmit the patient data to the defibrillator.

The Examiner acknowledges that "Covey does not disclose that the transceiver transmits patient data." See Office Action, page 3. To remedy this deficiency, the Office Action cites Edwards and states that "Edwards discloses a similar portable AED where the status of the electrodes can be communicated wirelessly or through a direct electrical connection or both (see par. 62)." Office Action, page 3 (emphasis added). As emphasized above, Edwards, like Covey, only discloses sending electrode status information to a defibrillator, which is reflected in the aim of Edwards (teaching a status information system for medical devices) and paragraph 62 of Edwards. It appears that even the Office Action supports the fact that neither reference teaches a transceiver that transmits patient data. Therefore, neither reference teaches this element of claim

1. Nor is such a teaching suggested or even within the scope of the concepts disclosed in Covey and Edwards.

To illustrate this point further, suppose the Covey was modified by the teaching of Edwards. The combination would not be that of the invention as the Office Action suggests. Instead, because Edwards merely teaches an AED receiving status data from electrodes wirelessly or through a direct electrical connection, the device of Covey modified by Edwards would simply be a defibrillator that could receive electrode identification data or status data wirelessly or by direct electrical connection. This resulting device, however, lacks many of the elements of the claimed patient parameter monitoring pod, as discussed above. In sum, the modified device produced by the combination of cited references fails to teach or render obvious the claimed device in claim 1.

Hence, because the combination of Covey in view of Edwards does not teach or suggest every element of claim 1, these references fail to render claim 1 unpatentable under § 103(a). As such, the Applicants submit that claim 1 is in proper form for allowance, and request that the rejection under § 103(a) be removed.

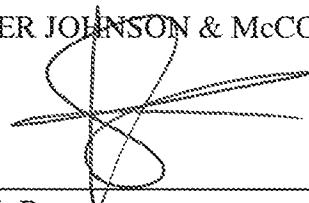
Claims 2-6 depend from claim 1. Based at least in part on this dependency, the Applicants submit that claims 2-6 are likewise in proper form for allowance and request that the rejections under § 103(a) be removed.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-6 of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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